

ORDINANCE 10-06

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 9 of the Hyrum City Municipal Code sets forth regulations governing public peace, morals, and welfare, including the sale and use of cigarettes, tobacco, and psychotoxic chemicals; and

WHEREAS, the substances described hereunder are not yet categorized as illegally controlled substances under State or Federal law, and that it is proper and necessary for the Hyrum City Council to exercise its authority to safeguard and protect the public health and safety; and

WHEREAS, the Hyrum City Council finds and determines that the substances described hereunder are often used as an alternative to marijuana, that the substances are potentially dangerous to users, that the long term effects are not yet known, that a high number of hospitalizations have been reported in connection with the use of the substances.

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE ADDING SECTION 9.52.065 SYNTHETIC CANNABINOIDS (SPICE) TO TITLE 9 OF THE HYRUM CITY MUNICIPAL CODE TO PROHIBIT THE MANUFACTURING, DISTRIBUTION, POSSESSION, OR USE OF SYNTHETIC CANNABINOIDS (SPICE).

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 9.52.065 of the Hyrum City Municipal Code is hereby added follows:

9.52.065 Synthetic cannabinoids (spice).

- A. Except as authorized by Title 58 Chapter 37 of the Utah Code, as amended, it is unlawful for any person to knowingly and intentionally:
1. Produce, manufacture, dispense, or
 2. Possess with intent to produce, manufacture, or

- dispense, or
3. Distribute, or agree, consent, offer, or arrange to distribute, or
 4. Possess with the intent to distribute, or
 5. Possess or use synthetic cannabinoids, more specifically identified as follows:
 - a. 1-Pentyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-018
 - b. 1-Butyl-3-(1-naphthoyl)indole
Some trade or other names: JWH-073
 - c. N-benzylpiperazine
Some trade or other names: BZP
 - d. 1-(3-[trifluoromethylphenyl]) piperazine
Some trade or other names: TFMPP; or
 - e. any structurally similar analogs of the substances listed above.
- B. Penalty: A violation of this ordinance is a Class B Misdemeanor.
- C. Subsequent State Action: If the Utah State Legislature adopts a statute enacting criminal penalties for prohibitions set forth in this ordinance, then upon the effective date of such state statute, provisions of this ordinance that are covered by the state statute shall no longer be deemed effective. Any violations of this ordinance prior to a state statute becoming effective may be prosecuted. If there are provisions of this ordinance that are not covered by the state statute, those provisions will remain in effect and may be prosecuted.

2. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the

regulations contained therein, are hereby declared to be severable.

4. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 7th day of October, 2010.

HYRUM CITY

BY: _____
W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: